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The Case and Vindication of John Poyntz, alias Morrice, and his Friends.

The first part of their long proceedings and oppression in the House of Lords, who never could be relieved, notwithstanding the Judges of England's Report for their deliverance but are denied the benefit of the Common Law, which is the Subjects birth-right and inheritance: This is declared for the satisfaction of all those that wish well, and that will stand up to maintain truth, and that desire their brother Commoners deliverance, as to know the oppressors from the oppressed, and what the right and interest of a Commoner is, by the great Charter of England.

518 64

in the Year. 1648.

**A**fter the year 1594 . . . . . between John Morrice and Katherine his wife, the son and daughter of James Morrice, Esquire of Chipping-winger, and of Gabriel Poyntz, nothbuden Esquires; upon which Contract an agreement was made, and conveyances drawn for the settling the estates of the two Fathers, to the value of above 2000 li. per annum, upon the said John and Katherine for life, and their heirs male of their two bodies for term of life and in case of such default, then upon Edward the second son of the foresaid James Morrice for life; and to the heirs male of his body for life, and in case of such default, then upon the right heirs male of the body of the said James Morrice for ever.

That the foresaid John Morrice and his heirs male have, (from the time of settlement) born up the name of Poyntz, as they became heirs, from heir to heir, and so doth this that now is in prison; in order whereunto the said John Morrice that married Katherine was entered into the Heralds books by the name of Poyntz, alias Morrice upon his marriage, and the Arms of both families have been born up by the Morrices ever since also; the succession stands thus;

James Morrice had to male issue John and Edward. } Gabriel Poyntz had to issue Thomas, and the a-  
ward. } foresaid Katherine.

John and Katherine had male issue, James, Poyntz, and Thomas dyed underage, before this Contract was made.

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Poyntz Poyntz, the second son of John and Katherine enjoyed the said estate after the decease of Richard paid by the said John to the said Gabriel, and his brothers son, and dyed without issue, at whose death the male issue of John and Katherine ceased, and then the estate falls to Edward the foresaid John's brother, the second son of James Morrice senior as aforesaid, Edward was dead before the said estate fell, and left male issue, this John Poyntz alias Morrice now in possession; according to Law, as afterwards will appear.

And for the more effectual investing the title and right to the premises, according to the said deeds and Contract. An Act of Parliament was obtained in or about the 41. of Elizabeth, for the settling the same upon John Poyntz, alias Morrice, and the rest of the heirs male of the Morrices; by virtue of which deeds and Act they the said John and Katherine and their heirs have held and possessed the said estate.

Now that the estate was really settled upon the said heirs male of the Morrices, and by them possessed 49 years, and never in any other name to this day. There are these clear evidences, besides all the Testaments to witness the same.

1. Several evidences confirmed by an Act of Parliament; as for example, 3 fines levied at S. Al-bons, dated 37. of Eliz. A Plea in the Chequer, 38. of Eliz. A Patent under the great Seal, 2. August, 38. of Eliz. An Indenture dated the 1. of March, 38. of Eliz. Four several offices found upon this

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*m Poyntz*, alias *Morrice*. The first the 17. of September before *Iohn Tuke* Esquire, 20. of *Caroli* in England. The second on the 12. of September before the same *Tuke* in the same year. The third on the 1. of October, 21. of *Caroli* in Guild-Hall London, in the majority of Alderman *Atkins*. The fourth 23. of December, 21. *Caroli* in Guild-Hall London, in the majority of Alderman *Adams*. Two Injunctions for possession given by Sir *Rowland Wansford* of the Court of Wards, one for the Lands in *Essex*, and the other for Lands in *London*, dated 31. of January 1645. 21. *Caroli*. The acknowledgment of all the Tenants upon sight of the same, who upon knowledge of his title gave possession, and made turnover according to Law. After all which by a verdict at the Kings Bench, upon a tryal for a synature, concerning Lady *Poyntz*, alias *Morrice*, who is now wife to M. *Burrows* Esquire; the title was affirmed to this *Iohn Poyntz*, alias *Morrice*, as he was found heir at Law, save about 400 l. per annum, arising her natural life; upon all which clear proofs the Committee at Haberdashers Hall issued out Bill in his name the 4. of March 1645. for his twentieth part of the said estate, and by vertue thereof kept the Rent in the Tenants hands, till satisfaction was given to that Committee. Notwithstanding all which, one Sir *Adam Littleton*, that married *Audry* the grandchild of the foresaid *Gabriel*, upon presence of a collateral deed by which he pretends a title to the Lands in question, (as soon as the last heir was dead,) Sureptiously a Trunk of writings and evidences were broke open in Sir *Foulk Grevil* his house in *London*, being the place of his departure; his wife having the key in her pocket, who never knew it till three days after, about which time Sir *Foulk Grevil*, and Sir *Adam Littleton* gave out, that this said *Poyntz*, alias *Morrice* was a bastard, although they both knew the contrary, all which he was forced to clear by witnesses upon oath to his damage 30. l. and not only so, but to obscure the truth, money was given, and writings bought of the wife of the deceased heir for a thousand pounds; having to this day by that indirect means withheld and concealed all the writings and evidences taken at the breaking of the Trunk; and Sir *Foulk Grevil* pretended a title by a will, alias deed of gifts, made by the deceased heir, of 200. l. per annum, given to his two sons, which hath been produced amongst the Tenants, and by them disclaimed, as declaring their knowledge, that the estate was to pass from male to male of the *Morrices*. After all which the said Sir *Adam Littleton* to colour his wicked practices, and to obscure the truth, and defraud the said *Morrice* of his right, got the Land sequestered, to put *Morrice* out of his lawful possession, and hath entered into a Combination with several persons, viz. *Iohn Brown* Clerk of the House of Lords, and others, &c. by whose power and policy he the said Sir *Adam Littleton* and his accomplices hath not only got an advantage to secure themselves from condign punishment for their wicked practices, but also hath laid many false accusations upon the said *Poyntz*, alias *Morrice*, thereby endeavoring not only to blast his repute, destroy his title, and withhold his right, but also bring his life, and his witnesses, and all that appear in his cause in danger, as shall appear by the subsequent Narrative.

For when the said *Morrice* found himself deprived of the benefit of his evidences by which his Ancestors enjoyed the estate, which used to be delivered from heir to heir, he was necessitated to make a strict search in all Courts of Record, by means whereof he made such a clear discovery of his title, that had not Sir *Adam* and his accomplices sold themselves to do wickedly, it had not been possible for him to have found out a way to deprive *Poyntz*, alias *Morrice* of his rights, or peaceable enjoyment of his possession in the premises.

For 1. *Poyntz*, alias *Morrice* upon search found that there was an Act of Parliament by which these Lands in question was confirmed on the heirs male of the *Morrices*; a Copy of which Act he the said *Poyntz*, alias *Morrice* procured with M. *Brown*'s hand to it, given by M. *Will. Hunt* an under Clerk of the House of Commons, which Copy was examined in M. *Brown*'s office, and afterward being shewed to M. *Brown*, and told it was questioned by Sir *Adam Littleton*, the said M. *Brown* took it, and looked upon it, and gave it back, saying, who dare deny it? And yet after all this the said *Brown* having entered into a Combination with the said Sir *Adam*, and having as is conceived for the consideration of a great yearly value paid out of the estate, to be conveyed and assured by *Littleton* unto him the said *Brown*, his heirs, &c. hath perswaded and warranted the same estate unto the said Sir *Adam*; for Sir *Adam* said, that after he saw the Copy of the Act he would not have troubled *Poyntz*, alias *Morrice*, but by M. *Brown*'s perswasions. In order whereunto he the said M. *Brown* hath since denied his hand, before acknowledged by himself, in saying, who dare deny it? and being shewed to divers Counselors in Westminster Hall, every one said it was his hand, or else they never saw it; and they the said *Brown* and *Littleton* caused the said *Poyntz*, alias *Morrice* his wife and witnesses, &c. to be imprisoned by vertue of the Lords Order for

for a pretended forgery of an Act of Parliament, although not one witness was examined to prove the truth, but only *M. Brown's* own report and *Littleton*, and caused the said Act to be condemned in the Lords House as a forged Act, although it were upon record in his own office, and so acknowledged to be as will be proved, and upon record in the treasury of the Court of Wards with other evidences, and Plea of a deed found in the Tower, also settling the said estate upon the heirs male of the *Morrices*, Copies given and attested by all the respective Officers of several treasuries; but now for fear of *M. Brown* denied by all but *M. Audly*, the master of the office of the Court of Wards, who hath and doth stand the attesting Copies under his hands, (notwithstanding *M. Brown* hath often threatened him for delivering the same, because they were against him, and not only so, but endeavouring to have the said *Audly* fined and turned out of his place, pretending that all the said Records are forged by the *Poyntz*, alias *Morrice* and his friends, which is both improbable and impossible, viz. That an Act of Parliament should be forged, containing the names of several persons in whose tenure and occupation the said Lands at the date thereof were, and that the original should be thrust into *M. Brown's* treasury and a Copy thereof with other Records into the treasuries of the Court of Wards, and the Plea of a deed into the Tower of London, and there be found under lock and key, lying amongst all other Records, old and dusky, not to be touched without sweeping first just at this time to make out an unknown title, and all by an illiterate woman which can neither write nor read Latin, nor knows not what Latin is, and this is one of the chief slights (As these men pretend, and will make the world believe it, a which will be a matter hardly to be credited by any rational man.) But that it is not only improbable and impossible, but also a false slander, shall be clearly proved several ways. For although a Copy of the Plea found in the Tower had formerly been given and attested by *M. Collet* of that office deceased and although it was shown to *M. Riley* now Officer there by two Counsel, and the original desired to be seen, the said *Riley* refused it without an order from the Lords, saying it concerned *M. Brown*; and afterwards when *M. Riley's* Clerk did search and find the original in his presence, and in the presence *Poyntz*, alias *Morrice's* friends; he the said *Riley* fell out with the Clerk, saying, you might have chuse whether you would have found it, for you knew it was against *M. Brown*, and lacked him out of the office two days.

2. The said Act hath been acknowledged and examined with the Record in master *Brown's* office and to be delivered out by *M. William Hunt*, with *M. Brown's* hand to it, as will be proved by many witnesses.

3. The said *M. Brown* and *Littleton* now acknowledge that there is an Act for the sale of part of the estate, made in King *James's* time, when it was in the possession of Sir *James Poyntz*, alias *Morrice*, the son of *John* and *Katherine*. Now it is clear, that unless the estate had been settled upon the father, and so upon the heirs male of the *Morrices* by an Act, the son might have alienated part of the estate for the payment of his debts by fine and recovery, as firmly, and with less charge by far then by Act of Parliament; but being settled by Act, he must of necessity have an Act to enable him in the alienation.

But thirdly, there was no reason why this *Poyntz* alias *Morrice* should forge, or cause an Act of Parliament to be forged to maintain his Title, he being able to prove that his Ancestors enjoyed the same estate 49 years, and never in any other name since that settlement; and he himself having had so many offices found for him, besides a Verdict confirming his Title by Law, and the Tenants yielding him possession and turning Tenants unto him, which was a better Title by far, without the Act of Parliament, then ever Sir *Adam Littleton* could make or show for the premises, which is nothing but a Collateral Deed made about four years after the decease of the foresaid *James* that settled this estate, to whom all the right and interest of the foresaid *Gabriel* was past, and to the Heirs males of his body for ever; and besides the said Collateral Deed hath no fine and recovery upon it, neither is it inrolled, therefore is of no validity, there being not any Vouchers to make it good when it was made, for *James* was dead, and *John* that married *Katherine* was but a termor for life; So that these things being duly weighed and considered, it cannot be adjudged other then a wicked and malicious slander cast upon the said *Poyntz* alias *Morrice* and his friends by the said Sir *Adam Littleton*, and Mr *Brown*, &c. Every particular of whose proceedings herein, in relation to the Premises, shall be declared more particularly in several subsequent Articles, for your better information.

But to proceed; Upon the false suggestion of Mr *Brown* and *Littleton*, &c. by his prevalence in the Lords House, and making *Littleton* acquainted with all *Poyntz* alias *Morrice's* proceedings, before any hearing could be had, he caused the said Copies, of the Acts and other Records found as aforesaid, to



condemned, and *John Poyntz* alias *Morrice* and *Mary* his Wife, *Leonard Darby*, *John Harris*, and *Isabel Smith*, to be seized upon by virtue of the Lords Order, and to be carryed to four severall prisons, *Ludgate*, *Newgate*, *Counter*, and *Kings Bench*, there to be imprisoned during pleasure. The date of Warrant by which they were kept in prison above three weeks before they were brought before Lords upon Mr *Brown's* Command, was the 11<sup>th</sup> of July, the date of the Commitment to prison by the Lords during pleasure; *Die Luna septimo Iunij, 1647.*

By colour of which first Order, the said *John Brown* Clerk of the house of Lords together with Mr *Will. Littleton*, Mr *Baker*, and others, &c. about eleven of the clock at night came with a Constable, to the house of the said *John Poyntz*, alias *Morrice*, whom the said *John Brown* commanded to break open door, and being by the Constable asked for a Warrant, he replied, It is sufficient that I say it, I am Clerk to the Parliament; or words to that effect; upon which the Constable returned him an answer, viz. That that was no sufficient Warrant for him to break open any mans house, and therefore bad him do it himself, which he accordingly violently did, when having searched the house and not finding the Copy of the said act, he seized and took away all *Poyntz* alias *Morrice's* other Writings and books of Accounts, all which he detains to this day, contrary to Law, for the doing whereof he had Warrant but his own Will, who, it appears, thinks himself above all Law, because he is Clerk to the house of Lords. But when he had thus broke up the house, seized the writings, and given them to the adversary *Littleton* to read, &c. he also, by virtue of the said Warrant, attached the persons of *Isabella Smith*, *Mary Poyntz* alias *Morrice*, *Leonard Darby*, and *John Harris*, and retained them in custody about three weeks before ever any thing was layd to their Charge or they brought before any Iudicial Magistrate; all which proceedings of the said *Brown* and *Littleton*, &c. are altogether illegal, shall be fully demonstrated.

For first, the Warrant itself is illegal, as not coming from persons legally authorized to take the cognizance of the Crimes of Commons; For no Free-man ought to be taken, or imprisoned, or seized of his Freehold, or Liberties, or Customs, or be outlawed or exiled, or any other ways destroyed, neither passed upon nor condemned, but by the lawful judgment of his Peers, or by the Law the Land, viz. By the judgment of twelve men of his equals; if a Lord, by twelve Peers; if a Commoner, by twelve Commons. And Sir *Edm. Cook* saith, in his Exposition on the 29 chapter of *Magna Charta*, pag. 54. That if any man or woman by colour of any authority, which they have not legally, do at particular case, for which they arrest, or cause any man to be arrested, or imprisoned, That it is against the great charter, and is most hateful and distasteful, when it is done by the Countenance of Justice. And it is plain, That the Lords have not the least legal Jurisdiction over Commons, and so cannot take the cognizance of any pretended Crime, much less ought they to grant out Warrants to break the houses of Commons or to seize upon their Goods, and imprison the persons of Commons at their pleasures, when they have neither been passed upon by good and lawful men, nor anything appears upon Record against them, as by Law ought, no man being to be put so much as to answer, without presentment before Justices, or matter of Record, or by writ original. According to the old Law of the Land, as appears by *Magna Charta* 28. E. 3. Ch. 3. 37. E. 3. Ch. 8. 42 E. 3. Ch. 2. 2 part *Cook's Inst.* pag. 50

But second. The Warrant for the attachment of the said persons is illegal, not having in it the several ingredients which should make a Warrant legal.

1. A legal Warrant ought to be in writing in the name and under the seal of him that makes it, expressing his office, place and authority by force whereof he makes it.

But this Warrant is under the hand of Mr *Brown*, who doth not only make but execute it also, being both Judge and party, which is a practice which the Law abhors; nay he is the person accusing, having accused them in the name of a pretended power, (viz. the Lords,) he himself makes a Warrant in his own case, then as an Officer or Judge he puts his own Warrant in execution, which practice of his I presume will hardly be judged legal or reasonable, especially in Mr *John Brown Clericus Parliamentorum*, not only tending to the dishonor of his Royal Masters, but also rendering him unfit for such a weighty and honorable employment.

2. The Warrant ought to contain the cause, and that with convenient certainty, if for treason, then for what treason, or if for felony, then for what felony, &c. But this Warrant contains no cause (although the words of the Law are positive *Nisi causa pro qua Captus, &c.* unless the cause why a man should be taken be expressed, the Warrant cannot be legal,) only to answer such things as shall be objected, &c. Is the cause in this Warrant contained, which is indeed no cause at all; (complaints being no

crimes in Law,) a man being happily never the more guilty because complained of; and if the Law should tolerate the imprisonment of persons upon complaint only, before the hearing of both parties and matter of crime be proved, certainly we were the worst of slaves, as having our liberties subjected to the power of great men, malice and envy of every malicious or discontented person. But to prevent this evil the Law hath well provided, that a free-man shall not be taken or imprisoned, unless he be presented before Justices by good and lawful men, or else that some crime in Law appear upon record against him.

3 The Warrant must not only contain the cause, but it must have a legal conclusion; viz. *him safely to keep, till he be delivered by due process of Law*, and not *during pleasure*, or *till further order*, as this Warrant is; so that upon the whole matter it is clear, that these persons are in prison without either legal Magistrate, legal Warrant, or legal Crime, only prisoners to the Lords (alias M. Browne) will, all which proceedings are an absolute subversion of the fundamental Laws of the Nation.

But to proceed, having as aforesaid broke open *Poyntz*, alias *Morrice's* house, seized his writings, and attached the person of his wife, *Mary Poyntz*, alias *Morrice*, *Isabella Smith*, and *Leonara Darbie*, and *John Harris*, by virtue of the said Warrant, they kept them in custody for the space of three weeks, without laying any thing to their charge, about which time they carried them before the Lords, where they were examined upon several Interrogatories, which proceedings was altogether illegal, and by themselves so adjudged in several cases. But it being demanded by the Lords amongst other things where they had the Copy of the Act in question; answer was made by *Darby* and *Smith*, that *William Hunt*, an under Clerk of the House of Commons gave it them, and produced their witness to prove the same, who affirmed upon oath before the Lords, that *Hunt* did acknowledg the delivery of the Copy of an Act for the joining the two old mens estates together, *Poyntz* and *Morrice*; and that he said further, if *Brown* would be a knave, and deny his hand, yet he would not, notwithstanding they were thus according to Law cleared, as was by their Council openly proved at the Lords Bar according to witness, yet by the prevalency of M. *Brown* and *Littleton*, they were by the Lords committed to four several prisons where they remain (all save one, who was afterward removed by M. *Browne's* command from *Newgate* to the *Gothhouse*, because the had too much favour,) unto this day, being often examined, but never any one witness brought face to face against them, nor any forgery proved; notwithstanding all which their imprisonment during pleasure was continued, from the 7. of June 1647 unto this day; After which (although there was not any one witness produced to swear or attest that the said Copy was forged, but many to prove the contrary, yet M. *Brown* and *Littleton* under hand, and privately got the original of the said Act remaining in M. *Browne's* office, condemned by the Lords; a book put out in print of it against *Poyntz*, alias *Morrice*, and his friends, and hanged upon Romford Gallows, by *Littleton's* instigation one *Webb* did it, the like evil any never heard of (The Copy of which Act under his hand he had formerly attested,) which Copy by means whereof was condemned also, as being nothing when the validity of the original was taken away and destroyed by the said Judgment; after which *John Poyntz*, alias *Morrice* was advised by M. *Twisslen* a member of the honorable house of Commons, to go to make a search in M. *Audly's* office, M. *Audly* having formerly told him, that if his Client came to his office, he should find something which would shew good; he remembering a suit that had been between *John Poyntz*, alias *Morrice*, that married *Katherine*, and one *Duckery* who married the mother of Lady *Littleton*; which this *Poyntz*, alias *Morrice* suddenly after did, in which office of Mr. *Audly's* was found by Mr. *Beasty* a Clerk of the said office, in the presence of Mr. *Peltinger* the bag-bearer of the said office, and Sir *John Clavering*, the said Act in question, and several other Records, in one bundle of parchments together old and dusty; the Copies whereof was taken out, examined, and attested under Mr. *Audly's* hand the master of the said office, and by him affirmed at the Lords Bar.

Now by the way it is requisite to observe (that whereas one of Mr. *Browne's* main arguments to prove these persons guilty of forgery is, that the said Records are not Registered, whereupon he and *Littleton*, falsely suggests unto the Lords, that the woman Mrs. *Smith* shuffled them into the several offices for him) this *Poyntz*, alias *Morrice* had never known, neither she that he could have got any knowledge of the strength of his title by a search in M. *Audly's* office, if M. *Audly* himself had not by his words to M. *Twisslen*, and M. *Twisslen's* advice given thereupon, induced him thereunto; when if he or his friends had counterfeited or shuffled them in, as is alleaged, being questioned, they would consequently have at first and at once produced all those testimonies, as well as the single Copy of the Act under

in *Brown's* hand; but it is clear, that they never knew that the Act was upon Record in *Mr. Audleys* office, till after it was questioned, and therefore cannot be concluded guilty of that slanderous accusation, framed on purpose to blast the credit of *Poyntz*, alias *Murice* his title and witnesses, to the end that *Mr. Brown* may the better make good his Warrant upon the estate to *Littleton* and his heirs, of whom he either to receive some consideration, or else hath bought the estate for some inconsiderable sum, otherwise sure *Mr. Brown* would never have digged so deep into hell, to the hazard of his soul, and the ship-rack of a good conscience, to secure the interest of the *Littletons*, making their cause his, and employing all his power, policy and interest that he hath or can any way make to support them by the destruction of several innocent persons, as shall afterward be more fully manifested, For *Mr. Brown* and *Littleton* went from prison to prison for the space of 12. moneths threatening the Keepers, if that they allowed *Murice* or his witnesses any liberty they should lose their places, and gave command to the Keepers to lock them close, and let none come at them, and if that they did peruse it was nothing to them, they need take no notice of it; and *Mr. Brown* being asked for his order, said, he was sufficient. And after he got the knowledge that the foresaid Act, with other Records (which made good *Poyntz*, alias *Murice* his title to the estate in question,) were upon record in *Master Audleys* office; also (having first gotten the original and Copy thereof with *Mr. Browns* hand to it, delivered to him by *Mr. Twisden*, to be condemned,) he went to *Mr. Audly* and threatened to have him fined if he should dare to maintain any thing against him: In order whereunto he caused the said *Audly* to be brought before the Lords, and endeavored to have him fined and turned out of his office; notwithstanding all which the said *Mr. Audly* pleaded by two Counsel, viz. *Sir Tho. Witherington*, and *M. Maynard*, and extream honestly, and like an Englishman, and a Christian, maugre *Brown's* threats and menaces, justified the finding of the said Records, and delivery of Copies thereof, and was by his Counsel, and the Clerks belonging to his office, justified and cleared in giving Copies, and by the Lords discharged, viz. in regard there was no witness produced against the said woman *Mrs. Smith*, who was charged to foist them in by *Brown* and *Littleton*, and yet the said Records were brought up to the Lords after this and condemned, at the request of *M. Brown*, and *Littleton*, and *Poyntz*, alias *Murice*, and his witnesses adjudged and fined for a supposed forgery of the said Act and Records.

The said *Poyntz*, alias *Murice*, and *Mary* his wife, *Isabella Smith*, *Leonard Dauby*, and *John Harris* have continued prisoners ever since May 11. 1647. notwithstanding several Petitions to the Lords, and several Orders of the Lords, whereby the business hath been referred to the consideration of the Judges, to consider how they might be released, and the opinion of the Judges given in that behalf, viz. That they might be released, being they was imprisoned not for any fine, but during pleasure; but *M. Brown* absolutely refused to sign the said Report, because it should not be authentic; and when the Lords yielded to have released them upon the making of the said Report, *M. Brown* falsely informed the Lords, that they were imprisoned for debt, when they never had any action layd upon them, and put in a Petition to cross the Judges report, and the Lords intention, pretending they were in contempt for not delivering in writings, which they have not, neither if they had, do concern the estate in question, and this he doth on purpose to starve them in prison; and as a further evidence of his inveterate spleen against *Poyntz*, alias *Murice*, and his enjoyment of his right, (having got him and his witnesses into prison, and thereby disabled them of making their defence themselves,) and being deserted by all their Counsel for fear of *M. Brown*, who breathed out continual threats and slanders against all that should dare to appear in their cause against him; they were necessitated to engage one *M. Pendred* in the prosecution of their business, who with great fidelity and courage did for several moneths manage the same, and was in fair possibility by his continued addresses and importunancy, to effect, not only their delivery from their imprisonment, but also to bring the said cause to a tryal at Law; for prevention whereof *M. Brown* charged the said *Pendred* with speaking several seditious words against the House, by means of which false report he got him committed to the Gatehouse westminster, not so much as allowing him one hours liberty to put in Bayl. But the said *Pendred* afterwards putting in sufficient Bayl before *Sir Edward Powell*, one of the Justices of the Peace for the Liberty of westminster, was freed, which *M. Brown* hearing of, and knowing that *Poyntz*, alias *Murice* was to have a hearing before the Judges that day, at Sargeants Inn in Fleet street, immediately together with Justice Mauley, and others came to the said *Sir Edward Powell* and rated him for taking Bayl, threatening him, that if he did not send a Warrant and attach *Pendred*, he would make him loose his Commission, whereupon the said *Sir Edward Powell* being en-

formed



formed by the said *Pendred*, that that afternoon he would be at Sergeants Inn, at *Poyntz*, alias *Moorice's* referance before the Judges, got Sir *John Woolastons* Warrant to attach *Pendred* and carry him to the *Gatehouse*, without being carryed before any Justice at all, or returnit the Bond of his sureties formerly given; all which proceedings being clearly declared in a Petition to the Lords from the said *Pendred*, *M. Brown* took the Impudence to affirm, that *h* Bayl were Knights of the Post, in the open House of Lords, although it be known that they are men of more honesty and better credit then himself, and for Estate, for ought I know, (setting aside his office) far before him; by vertue of which Warrant he the said *Pendred* hath all been kept in prison about 8. weeks, contrary to Law; *M. Brown* not thinking himself safe if any person be left at liberty to discover his unjust, unparallel, wicked practises: But let him know, that neither his power, policy or friends shall be able to protect him from the hand of Justice, or keep his gross knavery concealed; for what he doth in secret shall be published on the house top: And though Justice seem to slumber for a season, yet she will awake and stretch out her arm, and weigh his actions in the ballance, and finding them too light, with one stroke sweep him and them from the face of the earth, which they have polluted: Therefore it were to be wished, that he would consider and repent, lest a worse mischief befall him then yet hath hapned.

Thus have you a true Narrative of the state of the Case of *Poyntz*, alias *Moorice*, and his witness, who have bin imprisoned about 17. months, although they in all their Petitions have desired nothing but their freedoms, a fair tryal at Common Law, according to evidence and witness on both sides heard, that so the benefit of Law, and birthright of the Subject may effectually take place, and that the writings taken away may be restored. (*Poyntz*, alias *Moorice* himself having never so much as bin before any Magistrate since the time of his imprisonment.) Now if this be not an unparalleled piece of injustice, if this be not a wickedness in high places, if this be not an abomination that will make desolate, if not only redressed but also repented of, I leave to all rational men to judge, especially all you, the peoples Representatives, who have bin intrusted, and have taken upon you to hear, receive and redress the grievances of the people whom you represent, and punish their oppressors, be they high or low, rich or poor, friend or foe, without respect to any thing but pure Justice; here is a fit Subject for you to insist upon, here is a piece of injustice of a bloody tincture, of a scarlet dye: Oh that your speedy Justice herein might prepare a place for you in the affection of the people of this Nation, who for want hereof have in a great measure estranged themselves, and divorced themselves from you, which they had formerly espoused; Oh therefore if you have the hearts of Englishmen, if you be Christians, if you would hope for protection in the evil day, rouse up your selves, awake from that Lethargy of sottish security that you have long bathed your selves in; gird your sword unto your thigh, and be what you should be, a terror to evill doers, a protection to the innocent, and relief for the oppressed; then shall your Enemies be confounded, your reproaches removed, and your reproachers silenced; then shall the people love you, and your honor not only continued but enlarged, and which is best, your consciences will bear a sweet testimony of peace and comfort, when all other dependencies shall take wings and fly from you.

And all you Englishmen and Christians, to whose hand this paper shall come, I beseech you lay these poor mens condition to heart: By the same means that they are like to be destroyed, thou mayst be destroyed also; if Records, nay Acts of Parliament, may, at the will of

Clerk,

lerk, because they cross his interest, be cancelled, removed, destroyed, and annulled; what security can be had in the enjoyment of any estate? This is the Tyranny indeed so much feared, and decryed against in others, but *in fact* practised by the Lords, and Mr. Brown, and is Accomplish'd. Therefore if thou hast any sense of compassion, or christianity, joyn in a petition to the Honorable House of Commons for the execution of speedy Justice in this and such like Casts: See you not how the Persons swear with Prisoners of pleasure? suffer not their undoing to be made a precedent for your own misery. For by the same Law that *Poy* *is* *was* *Morrice* and his Witnesses &c. may be imprisoned seventeen moneths, without hearing, without Crime, without Witnesses, by the same Law you may be imprisoned also; you having no more protection then they, or any other; all the liberty you enjoy being but during the pleasure of a few men, who are acted by no other rule but their wills, and friends persuasions: For if M. Brown say, you forge an Act, the Lords will believe it, and you shall be imprisoned and fined: If M. Brown say, you speak seditious words against that House, the Lords will believe it, without Witnesses, nay against Evidence upon Oath to the contrary; although the Law hath provided that a Freeman's liberty should not be taken from him, unless a legal Crime be proved upon Oath against him before a Judge or Justice of the Peace, &c. The due Execution of Law is your birth-right and protection; let therefore your timely endeavors be employed for the due Execution thereof, now while you have an opportunity, lest by your fencelessness of their unjust sufferings, you bring an irrecoverable mischief upon your selves and posterity, and then, when it is too late, you repent, but cannot prevent your destruction.

Gentle Reader, Know that this is no Pamphlet or Scandal, but certain Truths, which every well-affected people are satisfied in, and have knowledge of; and if Justice, in this case, do not the speedier take place, then thou mayst expect a Charge by way of Articles, promised thee for thy better satisfaction, at sight whereof the heart of every Englishman, that hath either fear of God, or the least spark of grace, will stand amazed, and rend his heart with grief to see such horrible Oppression in a Land where the Gospel is planted, and Christianity professed, and especially in time of Parliament, and days of Reformation.

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